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Of Attorneys for Defendants FedEx Corporation

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

JEREMY LATHROP,

Case No. 3:20-cv-02276

Plaintiff,

v.

**NOTICE OF REMOVAL**  
Multnomah County Circuit Court  
Case No. 20CV32954

WABASH NATIONAL CORPORATION, a  
Foreign corporation; TEC EQUIPMENT, INC.  
dba TEC EQUIPMENT, an Oregon corporation;  
and FEDEX CORPORATION, a foreign  
corporation,

Defendants

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TO: The Judges of the United States District Court for the District of Oregon; Clerk of Multnomah County Circuit Court of the State of Oregon; and Randy Pickett, attorney for plaintiff.

Defendant Fed Ex Corporation (“FedEx”) gives notice of removal as follows:

1. On or about September 25, 2020, an action was commenced in Circuit Court of the State of Oregon for the County of Multnomah entitled: *Jeremy Lathrop, Plaintiff v. Wabash National Corporation, a foreign corporation; TEC Equipment, Inc. dba TEC Equipment; and*

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*FedEx Corporation*, a foreign corporation, and bearing Case No. 20CV32954. A copy of the Complaint is attached hereto as Exhibit A and made of part of this Notice.

2. Service on defendant Wabash was accomplished on or about October 6, 2020; service on defendant TEC was accomplished on or about October 5, 2020; and service on defendant FedEx was accomplished on or about October 5, 2020. A copy of the certificate of service of the summons served on Wabash is attached as Exhibit B-1, and a copy of the certificate of service of the summons served on FedEx is attached as Exhibit B-2.

3. On or about November 30, 2020, defendant FedEx filed a Rule 21 Motion; plaintiff filed a response to this Motion on or about December 18, 2020. Copies of all these pleadings are attached as Exhibit C.

4. On or about December 16, 2020, plaintiff filed a Notice of Dismissal, as to defendant TEC, a copy of which is attached as Exhibit D. That is when this case first became removable, in that TEC is an Oregon corporation and until it was dismissed from the case, there was not complete diversity. Other than the attached Exhibits, no other pleadings have been filed in the state court action.

4. Thirty (30) days or less have elapsed since this action became removable to this court. 28 U.S.C. § 1446(b).

4. This action is removable based on diversity. That is, this a civil action over which this court has original jurisdiction under 28 USC § 1332, and is one which may be removed to this court by defendants pursuant to the provisions of 28 USC § 1441, in that it is a civil action wherein the matter in controversy exceeds \$75,000, exclusive of interests and costs, and is between citizens of different states or a foreign state. Neither defendant Wabash nor defendant FedEx is a citizen of the state of Oregon. Defendant Wabash is a Delaware corporation with its

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principal place of business in Indiana, and defendant FedEx is a Delaware corporation with its principal place of business in Tennessee.

5. Plaintiff was at the time of filing of this action, and still is, a citizen of the State of Oregon.

6. Less than one year has passed since this action was commenced.

7. A Consent to Removal by Defendant Wabash National Corporation, is being filed concurrently with this Notice.

THEREFORE, Defendant FedEx gives notice that the above action now pending in the Circuit Court of the State of Oregon for the County of Multnomah as Case No. 20CV32954 has been removed therefrom to this court.

DATED: December 30, 2020.

HITT HILLER MONFILS WILLIAMS LLP

By: s/ James L. Hiller

James L. Hiller, OSB No. 772220

Brian B. Williams, OSB No. 964594

Of Attorneys for Defendant FedEx Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **NOTICE OF REMOVAL** on:

Randy Pickett  
Pickett Dummigan McCall LLP  
210 SW Morrison Street, 4<sup>th</sup> Floor  
Portland, OR 97204  
*Attorney for Plaintiff*

Jeffrey D. Hern  
SCHWABE, WILLIAMSON & WYATT, P.C.  
1211 SW Fifth Avenue, Suite 1900  
Portland, OR 97204  
*Attorney for Defendant Wabash*

by mailing a full, true and correct copy thereof in a sealed first-class postage-prepaid envelope, addressed to the attorney shown above, the last-known office of the attorney, and deposited with the United States Postal Service at Portland, Oregon, on the date shown below.

DATED: December 30, 2020.

HITT HILLER MONFILS WILLIAMS LLP

By: s/ James L. Hiller  
James L. Hiller, OSB #772220  
Of Attorney for Defendant FedEx Corporation